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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,099	04/07/2004	Sean Christopher Endler	86605 7114	8955
37123 7590 10/02/2007 FITCH EVEN TABIN & FLANNERY 120 SOUTH LASALLE SUITE 1600 CHICAGO, IL 60603			EXAMINER BETIT, JACOB F	
			ART UNIT 2164	PAPER NUMBER
			MAIL DATE 10/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/821,099

Applicant(s)

ENDLER ET AL.

Examiner

Jacob F. Bétit

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 20-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 20-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection on 31 August 2007. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 31 July 2007 has been entered.

Remarks

2. In response to communications filed on 31 July 2007, claims 1-14 and 20-29 are presently pending in the application.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 4-6, 8-14, and 20-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Chang (U.S. patent No. 2003/0050982 A1).

As to claim 1, Chang teaches a method comprising:

detecting an event (see paragraph 0011 and 0015);

searching for an event profile corresponding to the event (see paragraph 0016);

detecting content transmitted by a participant of the event and description information corresponding to the content (see paragraph 0014); and

associating the content with the event based on the description information and the event profile (see paragraph 0012 and 0015).

As to claim 2, Chang teaches further comprising matching the description information with the event profile (see paragraph 0014-0015).

As to claim 4, Chang teaches wherein the event profile includes an event time (see paragraph 0014-0015).

As to claim 5, Chang teaches wherein the event profile includes an event duration (see paragraph 0014-0015).

As to claim 6, Chang teaches wherein the event profile includes a listing of event participants (see paragraph 0023).

As to claim 8, Chang teaches wherein the description information includes a time (see paragraph 0014-0015).

As to claim 9, Chang teaches wherein the description information includes an author (see paragraph 0014-0015).

As to claim 10, Chang teaches wherein the content is a digital image (see paragraph 0011).

As to claim 11, Chang teaches wherein the content is one of a video media, an audio media, a textual media, and a graphical media (see paragraph 0011).

As to claim 12, Chang teaches further comprising storing the event profile (see paragraphs 0016-0017).

As to claim 13, Chang teaches further comprising storing the description information with the content (see paragraph 0016).

As to claim 14, Chang teaches a system comprising:

- means for detecting an event (see paragraph 0011 and 0015);
- means for searching for an event profile corresponding to the event (see paragraph 0016);
- means for detecting content relating to the event and transmitted by a participant of the event and description information corresponding to the content (see paragraph 0014); and
- means for associating the content with the event based on the description information and the event profile (see paragraph 0012 and 0015).

Art Unit: 2164

As to claim 20, Chang teaches a system, comprising:

an interface module to receive content and description information corresponding to the content, wherein the content is relating to an event is captured and transmitted by a participant of the event (see paragraph 0014);

a storage module to store a record containing an event profile describing an event (see paragraph 0011 and 0015-16); and

a content categorization module for matching the content with the event based on the event profile and the description information (see paragraph 0012 and 0015).

As to claim 21, Chang teaches further comprising an event detection module to detect the event (see paragraph 0011 and 0015).

As to claim 22, Chang teaches wherein the storage module stores the description information and the content (see paragraph 0016).

As to claim 23, Chang teaches further comprising an access control module to selectively allow a user to view the content (see paragraph 0016).

As to claim 24, Chang teaches wherein the access control module allows the user to view the content when the user is a participant listed in the event profile associated with the event (see paragraph 0023).

As to claim 25, Chang teaches a computer-readable medium having computer executable instructions for performing a method comprising:

detecting an event comprising a plurality of participants and storing an event profile (see paragraph 0011 and 0015-16);

receiving content relating to the event from one of the plurality of participants (see paragraph 0014);

receiving a request to access content from a user (see paragraph 0016);

searching for an event profile corresponding to the content (see 0023);

matching the content with the event profile (see paragraph 0014-15); and

displaying the content based on the user and the event profile (see paragraph 0016 and 0023).

As to claim 26, Chang teaches a method comprising:

receiving an event profile comprising at least one attribute relating to an event (see paragraph 0011 and 0015-16);

receiving content and corresponding content description information comprising at least one attribute related to the content (see paragraph 0014); and

Art Unit: 2164

associating the content with the event when the at least one attribute related to the event matches the at least one attribute related to the content (see paragraph 0012 and 0015).

As to claim 27, Chang teaches wherein the event comprises multiple participants and the content having been received is transmitted by one of the multiple participants (see paragraph 0023).

As to claim 28, Chang teaches further comprising:

displaying the content when requested by a participant of the event, wherein the at least one attribute related to the event is a list of participants of the event (see paragraph 0016 and 0022).

As to claim 29, Chang teaches further comprising:

associating the content with the event when the at least one attribute related to the content and the at least one attribute related to the event match by one of:

an author of the content and a participant of the event (see paragraph 0014);

a time and date of a capturing of the content and a time and date of the event (see paragraphs 0014-0015); and

a location of the capturing of the content and a location of the event;

wherein the at least one attribute related to the event comprises at least one of the event location, the event time and date, the event duration and the participant and wherein the at least one attribute related to the content comprises at least one of the author of the content, the time

Art Unit: 2164

and date of the capturing of the content and the location of the capturing of the content (see paragraphs 0014-0015).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang in view of Shiota et al. (U.S. patent No. 2004/0135904 A1).

As to claim 3, Chang does not distinctly disclose wherein the event profile includes an event location.

Shiota et al. teaches this, see paragraph 0010-13. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Chang to include the teachings of Shiota et al. because these teachings would allow the images to be identified based on image information.

As to claim 7, Chang does not distinctly disclose wherein the description information includes a capture location.

Shiota et al. teaches this, see paragraph 0010-13. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Chang

Art Unit: 2164

to include the teachings of Shiota et al. because these teachings would allow the images to be identified based on image information.

Response to Arguments

7. Applicant's arguments with respect to claims have been considered but are not deemed persuasive.

In response to the applicant's arguments that "Chang thus fails to disclose searching for an event profile", the arguments have been considered, but are not deemed persuasive. As stated by the applicant, "The description is provided to the recording device based on the time of day". The recorded part of the event would be the "content relating to the event" after searching for the description (event profile) in the calendar application based on the "time of day" the description is matched (associated) with the recorded part of the event. Paragraph 0015 states "in response to sending time stamp information, the calendar inspects [] the user's calendar to see what is on the calendar for the given time stamp information. This inspection is a query or search operation. Thus Chang's device searches for a calendar event based on the time of day the recorded part of the even was recorded.

The applicant's claims appear to require four types of data, an event, an event profile, content, and description information. When looking at the reference one can infer that the event is a calendar entry. Calendar entries have descriptions associated with them along with times that the events in the calendars take place, and in some circumstances the place the event occurs. This would be associated with the applicant's claimed "event profile". The "event profiles" of the calendar are searched (inspected) based on "time stamp information". This "time stamp

Art Unit: 2164

information" is associated with the content (recorded part of the event). Therefore the time stamp information is description information of the content since it describes when the content was recorded. The content and the event are associated or matched with each other based on the results of the search of the event profile. See paragraphs 0011-0016.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob F. Bétit whose telephone number is (571) 272-4075. The examiner can normally be reached on Monday through Friday 9:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

jfb
26 Sep 2007


CHARLES RONES
SUPERVISORY PATENT EXAMINER